

U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

UNITED STATES OF AMERICA

CRIMINAL NO. 93-50046-02

VERSUS

JUDGE DONALD E. WALTER

DARRYL GILLARD

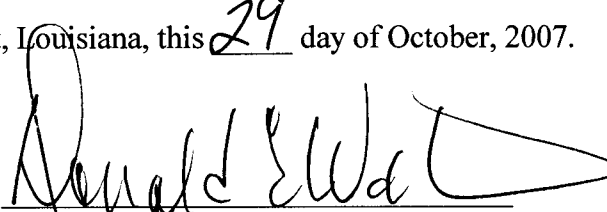
MAGISTRATE JUDGE HORNSBY

O R D E R

Before this Court is a Motion Under 28 U.S.C. § 2255 Motion to Vacate, Set Aside Judgment of Conviction and Correct Sentence by Person in Federal Custody [Doc. #307] filed by defendant, Darryl Gillard. On September 21, 2001, Gillard filed a Motion to Vacate under 28 U.S.C. § 2255 [Doc. #282] which was denied by Order issued on November 20, 2001. Subsequently, Gillard filed two motions to reconsider this Court's denial of Gillard's §2255 motion [Doc. #s 289 & 291] which were both denied. On March 28, 2005, Gillard filed a Motion to Amend his Motion to Vacate [Doc. #294] which was denied by Order issued on April 6, 2005 [Doc. #296] for failing to obtain authorization to file a second or successive §2255 petition.

As this is the third §2255 motion filed by this defendant, **IT IS ORDERED** that defendant's motion be and is hereby **DENIED** as Gillard has failed to obtain authorization from the Fifth Circuit to file a second or successive §2255 petition as required by 28 U.S.C. § 2255. Thus, this Court lacks jurisdiction to entertain such a motion. See Hooker v. Sivley, 187 F.3d 680, 681-82 (5th Cir. 1999).

THUS DONE AND SIGNED in Shreveport, Louisiana, this 29 day of October, 2007.


DONALD E. WALTER
UNITED STATES DISTRICT JUDGE